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OFFICE OF PETITIONS

In re Application of	:	
Khalid Raja et al.	:	
Application No. 10/692,363	:	DECISION ON PETITION
Filed: October 22, 2003	:	UNDER 37 C.F.R. §1.181
Attorney Docket No.: ACMI-2.006.US	:	
Title: FLUID DELIVERY SYSTEM FOR USE	:	
WITH A SURGICAL PUMPING UNIT	:	

This is a decision on the petition filed on October 28, 2005 under 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application was filed on October 22, 2003, identifying Khalid Raja, Frank D'Amelio, Dennis Caudle, Roger Raetzman, Kevin Wood, and Marvin Parrett as joint inventors. The application was filed with neither an oath nor a declaration. On January 22, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (first notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63 and a surcharge for its late filing. This Notice set a two-month period for reply.

On May 21, 2004, an improperly executed declaration was submitted, and on June 4, 2004, a "Notice of Incomplete Reply – Nonprovisional" (second notice) was mailed, indicating that the submission was not acceptable. The second notice did not extend the period for response set by the previous mailing.

In reply to the second notice, applicant filed a petition on 37 C.F.R. §1.47(a) on May 21, 2004, along with a two-month extension of time was requested. The petition was dismissed via the mailing of a decision on August 9, 2004. The decision set a two-month period for response.

A renewed petition was filed on October 7, 2004, with a supplement filed on November 12, 2004. The renewed petition was dismissed as moot via the mailing of a decision on December 29, 2004.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the present petition should be granted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



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